

Remarks

Claims 1-33 and 37-41 are pending. Claims 1-33 and 37-41 are rejected.

Claims 1-11, 20-32, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,315,504 to Lemble in view of U.S. Patent 6,434,580 to Takano. Claims 12-19, 33, and 37-40 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,315,504 to Lemble.

A terminal disclaimer was submitted in response to Examiner's double patenting rejection over U.S. Pat. No. 7,069,592. Applicants' Attorney notes Examiner's provisional double patenting rejections over co-pending applications 09/552,131 and 09/563,140.

Applicants' Attorney has amended claims 1, 16, 20, 27, and 40. No new matter has been added:

After approval, the disclosure becomes permanently and unchangeably (locked) part of the system by receiving a docket number assigned in step 128 so that tracking may be provided.

P. 14, 11. 25-28.

With regard to amended claims 1, 16, 20, and 27, Lemble fails to teach, disclose, or suggest permanently locking the disclosure to prevent further editing of the disclosure. Rather, Lemble merely states that

Finally, after being processed by the last approver, the document is forwarded automatically to a finalizing VM machine performing conventional operations such update, format and if required encrypt and send through the network to another

network node and, for the purpose of this invention, perform a control operation tailored to ascertain a higher security level to the approval system.

Col. 5, 11.33-40.

Operations such as update, format, and encrypt do not permanently lock the disclosure to prevent further editing. Ascertaining a higher security level likewise does not permanently lock the disclosure to prevent further editing.

To the extent Examine argues that permanently locking is inherent to Lemble's "conventional operations," Examiner has failed to carry the burden:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ3 23, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 949, 1950-51 (Fed. Cir. 1999) (citations omitted)

MPEP § 2112.

With regard to claim 12, Lemble fails to teach, disclose, or suggest prompting the user to provide a password associated with said disclosure and allowing access to said disclosure after storing information in said database upon entering the password associated with the disclosure. Rather Lemble states that

As illustrated in FIG. 2, a user may initiate a session using any of the terminals attached to the network, and through a log-on procedure reach his/her machine. Logging-on means sending an interrupt command from the keyboard to reach CP facilities and then identifying himself (herself) to the system by typing a personal identification code (userid) and in most cases a password. Password use enables forbidding access to a given "machine" by anyone but the machine "owner".

Col. 4, 11.3-11.

Lemble's password is not associated with a disclosure. Rather, Lemble's password is submitted as part of a log-on procedure so that a user can access their machine.

Lemble also states that

Any user can access the list of documents awaiting someone else's action by pressing PF5 on SEALING Main Menu. The following is then displayed.

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----- Look s someone else's document-----
Enter or modify the userid and node( if different from this node)
Press Enter to validate.
Userid: DUPONT- Node: LGEVM2- Name: Dupont, Philippe
Type of Document                Reference of document
General Expenses Purchase Request JA079
General Expenses Purchase Request JA092
Travel Request                   T56435
General Expenses Purchase Request JB435
ENTER   PF10   Next              PF11   Previous   PF12   Return
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The user has to fill in the userid field and press enter. If userid is not known, an error message is displayed. If t t the userid is known, the system looks for documents awaiting action and give the references. For obvious security purposes, no further information about document can be obtained.

Col. 25, 11. 14-33.

and,

The user has to fill-in the serial number of the receiving person (assignee). If needed, PF1 may provide help. When a right identification of the receiving person has been given, the screen below is displayed.

-----Transfer your VM Userid and Password-----
Transferred VM Userid: Userid VOIRON

Col. 26, ll. 58-65

and,

9. A system according to claim 8 wherein said means for managing appropriate approvals comprises:

terminal controllable means for requesting access to system SQL tables, said terminal controllable means being controlled by a user;

system controllable means for accessing stored function tables, comparing identification of said user to approver's identification as stored into said function tables and upon positive check, unloading contents of predefined fields of APPFUTU, APPWAIT and APPDONE SQL tables into machine . . .

Col. 30, ll. 45-55.

Lemble's "userid" and "serial number" are not passwords associated with a disclosure. Rather, Lemble's "userid" allows a user to access a list of documents awaiting someone else's action and Lemble's "serial number" identifies a receiving person (assignee).

With regard to claim 33, Lemble fails to teach, disclose, or suggest prompting approval of said first user and generating an approval log comprising a date of approval by the first user. In Lemble, the first user is the "Originator." *See* Figure 4. Lemble's system does not seek approval from its "Originator": a different box is listed as "Approver 1." *See* Figure 4.

With regard to amended claim 40, Lemble fails to teach, disclose, or suggest permanently locking the document when the second user approves the document for the reasons explained with reference to claims 1, 16, 20, and 27.

Claims 2-11, 13-15, 17-19, 21-26, 28-32, and 37-41 depend from claims 1, 12, 16, 20, 27, and 33 respectively and are therefore patentable.

Applicants have made a genuine effort to respond to Examiner's rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

No additional fee is believed to be due as the result of the filing of this paper. Any additional fees or credits, however, should be applied to Deposit Account 06-1510 (Ford Global Technologies, LLC.).

If Examiner believes that a phone conversation will expedite prosecution of this Application, Examiner is strongly encouraged to contact me at (248) 358-4400.

Respectfully submitted,

ANURADHA NARASIMHASWAMY ET AL.

By /Benjamin C. Stasa/
Benjamin C. Stasa
Reg. No. 55,644
Attorney for Applicants

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351